

**TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION,
IOWA[751]**

Adopted and Filed

Rule making related to sole-source agreements

The Iowa Telecommunications and Technology Commission hereby amends Chapter 5, “Purchasing,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 8D.3.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 8D.11 and 8D.13.

Purpose and Summary

This rule making will increase the Commission’s oversight and accountability of potential sole-source agreements being considered by the Iowa Communications Network. Specifically, the rule making will accomplish two things: (1) eliminate a general and overly broad justification for a sole-source agreement, and (2) require that any sole-source justification form be approved and signed by both the Executive Director and the Chief Financial Officer.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on May 9, 2018, as **ARC 3781C**. A public hearing was held on June 4, 2018. No one attended the public hearing. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Commission on July 19, 2018.

Fiscal Impact

The Commission is unable to determine the number of potential agreements this rule making will impact and is therefore unable to determine if there will be any fiscal impact.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any, pursuant to 751—Chapter 9.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s

meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on September 19, 2018.

The following rule-making actions are adopted:

ITEM 1. Amend paragraphs **5.1(2)“g”** and **“h”** as follows:

g. The item is maintenance services for the network for which the vendor supplies remote maintenance service for network components or software or the vendor supplies software upgrades, patches, modifications or the like electronically or for which the service will preserve equipment or software warranties; ~~or.~~

~~h. The executive director or the commission’s designee determines that the best interests of the commission will be served by exemption from the bidding process.~~

ITEM 2. Amend subrule 5.1(3) as follows:

5.1(3) When the annual value of the contract exceeds \$5,000 or when the estimated value of the multiyear contract in the aggregate, including renewals, is equal to or greater than \$15,000, the commission shall complete a sole-source justification form. ~~The executive director or the executive director’s designee shall sign the sole-source justification form~~ The sole-source justification form shall be reviewed, approved and signed by both the executive director and the chief financial officer before the commission proceeds with the sole-source procurement.

[Filed 7/27/18, effective 9/19/18]

[Published 8/15/18]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 8/15/18.